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**UNITED STATES DISTRICT COURT,  
 NORTHERN DISTRICT OF CALIFORNIA**

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., PLANNED PARENTHOOD: SHASTA-DIABLO, INC. dba PLANNED PARENTHOOD NORTHERN CALIFORNIA; PLANNED PARENTHOOD MAR MONTE, INC.; PLANNED PARENTHOOD OF THE PACIFIC SOUTHWEST; PLANNED PARENTHOOD LOS ANGELES; PLANNED PARENTHOOD/ORANGE AND SAN BERNADINO COUNTIES, INC.; PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA AND SAN LUIS OBISPO COUNTIES, INC.; PLANNED PARENTHOOD PASADENA AND SAN GABRIEL VALLEY, INC.; PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS; PLANNED PARENTHOOD GULF COAST AND PLANNED PARENTHOOD CENTER FOR CHOICE,

Plaintiffs,

vs.

CENTER FOR MEDICAL PROGRESS; BIOMAX PROCUREMENT SERVICES, LLC; DAVID DALEIDEN (aka "ROBERT SARKIS"); TROY NEWMAN; ALBIN RHOMBERG; PHILLIP S. CRONIN; SANDRA SUSAN MERRITT (aka "SUSAN TENNENBAUM"); GERARDO ADRIAN LOPEZ; and UNKNOWN CO-CONSPIRATORS, inclusive,

Defendants.

Case No. 3:16-cv-00236 (WHO)

Judge William H. Orrick, III

**DEFENDANTS' JOINT NOTICE OF  
 APPEAL FROM ORDER DENYING  
 DEFENDANTS' TWO SPECIAL  
 MOTIONS TO STRIKE UNDER  
 SECTION 425.16 OF THE CALIFORNIA  
 CODE OF CIVIL PROCEDURE AND  
 REPRESENTATION STATEMENT**

Notice is hereby given that Defendants The Center for Medical Progress, BioMax Procurement Services, LLC, David Daleiden, Gerardo Adrian Lopez, and Sandra Susan Merritt hereby appeal to the United States Court of Appeals for the Ninth Circuit from the district court's order (entered on the district court docket as entry number 124 on September 30, 2016) denying the motions to strike under California's Anti-SLAPP law filed by Defendant Sandra Susan Merritt (district court docket entry 78) and Defendants The Center for Medical Progress, BioMax Procurement Services, LLC; David Daleiden, and Gerardo Adrian Lopez (district court docket entry 87).<sup>1</sup> A representation statement is attached. *See* Ninth Cir. R. 3-2.

Dated: October 28, 2016

Respectfully submitted,

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<sup>1</sup> *See Mindys Cosmetics, Inc. v. Dakar*, 611 F.3d 590, 595 (9th Cir. 2010) ("We have jurisdiction to review the district court's denial of Kamran's anti-SLAPP motion under the collateral order doctrine.")

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**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

As the filer of this document, I attest that concurrence in the filing was obtained from the other signatories.

/s/ Charles S. LiMandri  
*Counsel for Defendants and Appellants*  
*Gerardo Adrian Lopez, CMP, and BioMax*

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, hereby certify that on October 28, 2016, I caused the foregoing notice of appeal and attached representation statement to be filed with the district court's CM/ECF system, which will send notice of the filings to all counsel of record in the above-styled case who are CM/ECF users. I declare under the penalty of perjury that the foregoing statement of filing and service is true and correct to the best of my knowledge.

/s/ Charles S. LiMandri  
*Counsel for Defendants and Appellants*  
*Gerardo Adrian Lopez, CMP, and BioMax*